

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

BRUCE SAYLES,

Plaintiff,

v.

ORDER
08-CV-676S

PACIFIC ENGINEERS & CONSTRUCTORS, LTD.
(PECL), BECHTEL GROUP, INC., BECHTEL
CORPORATION, AMERICAN BECHTEL, INC.,
FORMOSA PLASTICS CORPORATION, FORMOSA
PLASTICS CORPORATION, USA (FPG, USA),

Defendants.

1. On August 6, 2008, Plaintiff Bruce Sayles commenced this action in the Supreme Court for the State of New York, Erie County for injuries Plaintiff allegedly sustained in January 2007 while falling from a scaffold in Taiwan. The case was removed to this Court on September 11, 2008.

2. On September 23, 2008, the case was referred to the Honorable Hugh B. Scott, United States Magistrate Judge, for pretrial proceedings.¹ On November 21, 2008, Plaintiff filed a Motion for Issuance of Letter Rogatory. (Docket No. 15).

3. On January 16, 2009, Judge Scott filed a Report and Recommendation recommending that Plaintiff's motion be granted subject to Plaintiff complying with the requirements set forth by the United States Department of State for submitting Letter Rogatory to Taiwan. (Docket No. 24). Specifically, Plaintiff must submit Letter Rogatory

¹ On November 21, 2008, this Court amended the referral order *nunc pro tunc* to permit Judge Scott to hear and report upon dispositive motions. (Docket No. 26).

with a certified translation in Mandarin Chinese and pay \$750, not \$500, by certified check to the American Institute of Taiwan. Id.

4. No objections to the Report and Recommendation were received from either party within ten (10) days from the date of its service, in accordance with 28 U.S.C. § 636(b)(1)(C) and Local Rule 72.3(a)(3).

5. This Court has carefully reviewed Judge Scott's Report and Recommendation as well as the underlying papers and will accept Judge Scott's recommendation.

IT HEREBY IS ORDERED, that this Court accepts Judge Scott's Report and Recommendation (Docket No. 24) in its entirety, including the authorities cited and the reasons given therein.

FURTHER, that Plaintiff's Motion for the Issuance of Letter Rogatory (Docket No. 15) is GRANTED.

FURTHER, that Plaintiff shall make the above corrections to the Letter Rogatory consistent with Judge Scott's Report and Recommendation and then re-submit Letter Rogatory to Judge Scott for inspection.

SO ORDERED.

Dated: March 15, 2009
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge